

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD ALLISON,

Plaintiff,

v.

COMMISSARY OF CLARK COUNTY
DETENTION CENTER,

Defendant.

Case No. 2:20-cv-1803-KJD-EJY

ORDER

On September 22, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCSD”), filed what appears to be a proposed complaint, thereby initiating a civil action in this Court. ECF No. 1-1. Plaintiff has neither paid the \$400 filing fee for this matter. Plaintiff also has not filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff

must still submit an inmate account statement for the dates he has been present at the facility.

The Court grants Plaintiff a **one-time** extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents or, in the alternative, pay the \$400 filing fee for this action on or before **December 15, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application

1 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or
 2 before **December 15, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a
 3 new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a
 4 fully complete application to proceed *in forma pauperis* or pay the \$400 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 8 application to proceed *in forma pauperis* and instead pay the filing fee of \$400 on or before
 9 **December 15, 2020** to proceed with this case.

10 The Court will retain Plaintiff's complaint (ECF No. 1-1), but the Court will not file the
 11 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
 12 *pauperis* with all three documents or pays the full \$400 filing fee.

13 For the foregoing reasons,

14 IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form
 15 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information
 16 and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **December 15, 2020**, Plaintiff shall either pay
 18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 24 (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 26 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
 27 must still submit an inmate account statement for the dates he has been present at the facility.
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1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
3 on or before **December 15, 2020**, the Court will dismiss this action without prejudice for Plaintiff
4 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 IT IS HEREBY ORDERED that the Clerk of the Court shall retain Plaintiff's complaint
7 (ECF No. 1-1) but will not file it at this time.

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9 Dated this 16th day of October, 2020.

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11 
12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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